

REFERENCE TITLE: CPS information

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1246

Introduced by
Senator Paton

AN ACT

AMENDING SECTION 8-525, ARIZONA REVISED STATUTES; RELATING TO CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 8-525, Arizona Revised Statutes, is amended to
3 read:

4 8-525. Open court proceedings; closure; records

5 A. Except as otherwise provided pursuant to this section, court
6 proceedings relating to dependent children, permanent guardianship and
7 termination of parental rights are open to the public.

8 B. At the first hearing in any dependency, permanent guardianship or
9 termination of parental rights proceeding, the court shall ask the parties if
10 there are any reasons the proceeding should be closed. For good cause shown,
11 the court may order any proceeding to be closed to the public. In
12 considering whether to close the proceeding to the public, the court shall
13 consider:

14 1. Whether doing so is in the child's best interests.

15 2. Whether an open proceeding would endanger the child's physical or
16 emotional well-being or the safety of any other person.

17 3. The privacy rights of the child, the child's siblings, parents,
18 guardians and caregivers and any other person whose privacy rights the court
19 determines need protection.

20 4. Whether all parties have agreed to allow the proceeding to be open.

21 5. If the child is at least twelve years of age and a party to the
22 proceeding, the child's wishes.

23 C. SUBJECT TO THE REQUIREMENTS OF SUBSECTION B OF THIS SECTION AND
24 SECTION 8-807, SUBSECTION F, PARAGRAPH 2, A COURT PROCEEDING RELATING TO
25 CHILD ABUSE, ABANDONMENT OR NEGLECT THAT HAS RESULTED IN A FATALITY OR NEAR
26 FATALITY IS OPEN TO THE PUBLIC.

27 E. D. At the beginning of a hearing that is open to the public, the
28 court shall do the following:

29 1. Admonish all attendees that they are prohibited from disclosing any
30 information that may identify the child and the child's siblings, parents,
31 guardians and caregivers, and any other person whose identity will be
32 disclosed during the proceeding.

33 2. Explain contempt of court to all attendees and the possible
34 consequences of violating an order of the court.

35 D. E. A person who remains in the court after the admonition pursuant
36 to subsection E OF THIS SECTION must abide by the court's order
37 prohibiting disclosure of that information. The court may find a person who
38 fails to do so in contempt of court.

39 E. F. The court may close an open proceeding at any time for good
40 cause shown and after considering the factors prescribed in subsection B OF
41 THIS SECTION.

42 F. G. If a proceeding has been closed by the court, any person may
43 subsequently request that the court reopen a proceeding or a specific hearing
44 to the public OR RELEASE A TRANSCRIPT OF ANY PREVIOUSLY CLOSED PROCEEDING.
45 In ruling on this request, the court shall consider the factors prescribed in

1 subsection B OF THIS SECTION AND MAY REDACT FROM A TRANSCRIPT ANY INFORMATION
2 THAT IS ESSENTIAL TO PROTECT THE PRIVACY, WELL-BEING OR SAFETY INTERESTS
3 PRESCRIBED IN SUBSECTION B OF THIS SECTION.

4 H. SUBJECT TO THE REQUIREMENTS OF SUBSECTION B OF THIS SECTION AND
5 SECTION 8-807, SUBSECTION F, PARAGRAPH 2, COURT RECORDS OF A PROCEEDING
6 INVOLVING THE DISCLOSURE OF CPS INFORMATION REGARDING A CASE OF CHILD ABUSE,
7 ABANDONMENT OR NEGLECT THAT HAS RESULTED IN A FATALITY OR NEAR FATALITY ARE
8 OPEN FOR PUBLIC INSPECTION. IN CONSIDERING WHETHER TO ALLOW PUBLIC
9 INSPECTION OF THESE RECORDS, THE COURT MAY REVIEW THE RECORDS IN CAMERA AND
10 REDACT ANY INFORMATION THAT IS ESSENTIAL TO PROTECT THE PRIVACY, WELL-BEING
11 OR SAFETY INTERESTS PRESCRIBED IN SUBSECTION B OF THIS SECTION OR IDENTIFIED
12 PURSUANT TO SECTION 8-807, SUBSECTION F, PARAGRAPH 2.